

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

O.A. NO. 212/2004

New Delhi, this the 10th day of January, 2005

HON'BLE MR. S.K. MALHOTRA, MEMBER (A)

1. Shri Ajay Kumar,
S/o Shri Prem Chand,
Presently working as E.S.M.-III,
Mehrauli Railway station,
Mehrauli, Distt. Ghaziabad
 2. Shri Amit Sharma,
S/o Shri Ravi Dutt Sharma,
Presently working as Token Porter,
Mehrauli Railway Station,
Mehrauli, Distt. Ghaziabad,
 3. Shri Murari Lal Meena,
S/o Shri Ram Dev Meena,
Presently working as C.S.M,
Mehrauli Railway Station,
Mehrauli, Distt. Ghaziabad
 4. Shri Rama Kant Shukla,
S/o Shri Mauji Ram
Presently Working as Token Porter,
Mehrauli Railway Station,
Mehrauli, Distt. Ghaziabad
- ... **Applicants**

(By Advocate : Shri S.K. Gupta)

Versus

1. Union of India,
Through Secretary,
Railway Board, Rail Bhawan,
Rafi Marg, New Delhi
2. General Manager,
Northern Railway,
Baroda House,
New Delhi
3. Divisional Railway Manager,

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Moradabad Division,
Northern Railway,
Moradabad (U.P.)

4. Senior Divisional Personnel Officer,
Northern Railway, D.R.M. Office,
Moradabad (U.P.) ...

Respondents

(By Advocate : Shri Rajinder Khatter)

ORDER (Oral)

BY HON'BLE MR. S.K. MALHOTRA :

This OA has been filed by the applicants with the prayer that the respondents may be directed to pay them H.R.A. at the rate of 30% along with the enhanced rate of CCA and Transport Allowance w.e.f. 11.8.2000.


2. The facts of the case, in brief, are that the applicants have been working in various capacities at Mehrauli Railway Station. They have been earlier getting House Rent Allowance (HRA) at the rate of 30% of the basic pay along with CCA and Transport Allowance. However, the payment of HRA was reduced to 5% of the basic pay without assigning any reason. Against this action of the respondents, some similarly placed persons had filed an OA No.3442/2001. This OA was allowed, as the HRA was reduced without issuing a show cause notice to the applicants. This judgement was implemented but still the CCA and Transport Allowance have not been allowed at the enhanced rates based upon the HRA allowed to the applicants therein. The applicants in the present OA pray for extending the benefit of the said judgement to them also as they are similarly placed like the applicants in the aforesaid OA.

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3. The main controversy involved in this case was to determine whether Mehrauli Railway Station falls within the Municipal limits of Ghaziabad. This matter has since been taken up by the Railways with the District authorities of Ghaziabad. The learned counsel for the respondents has produced a letter dated 9.1.2005 before me in which it has been certified that Mehrauli Railway Station falls within a distance of 8 KMs of the Municipality limit of Ghaziabad. On the basis of this confirmation received from the Ghaziabad authorities, the Railway Board are in the process of taking a final decision on the question of grant of HRA, CCA and Transport Allowance to the applicants at the enhanced rates.

4. In view of the above statement made by the learned counsel for the respondents, it will be justified if the respondents are directed to take a final decision in the matter within a stipulated period. Accordingly, the OA is disposed of the direction that the respondents will take a final decision on the question of grant of HRA, CCA and Transport Allowance to the applicants based on the Certificate dated 9.1.2005 received by them from the District authorities of Ghaziabad, within a period of three months from the date of receipt of a copy of this order and if the applicants are found eligible, they may be granted HRA, CCA and Transport Allowance at the enhanced rates, as admissible under the Rules within the aforesaid period. No costs.


(S.K. Malhotra)
Member (A)

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